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Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Repertory of Practice of United Nations Organs and *Repertoire of the Practice of the Security Council*

Report of the Secretary-General

Summary

In conformity with General Assembly resolution 69/122, the report provides an outline of the progress made by the Secretariat since the previous report (A/69/159) in updating the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. The Assembly is invited to take action in the light of the conclusions drawn in paragraphs 15 and 26.

* A/70/150.

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I. Introduction

1. The present report has been prepared pursuant to General Assembly resolution 69/122. In paragraph 9 of the resolution, the Assembly commended the Secretary-General for the progress made in the preparation of studies for the *Repertory of Practice of United Nations Organs*, including the increased use of the internship programme of the United Nations and further expanded cooperation with academic institutions for that purpose, as well as the progress made towards updating the *Repertoire of the Practice of the Security Council*. In paragraph 10, the Assembly noted with appreciation the contributions made by Member States to the trust fund for the elimination of the backlog in the *Repertory*, as well as the trust fund for the updating of the *Repertoire* and, in paragraph 11, reiterated its call for voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory*, as well as voluntary contributions to the trust fund for the updating of the *Repertoire* and the sponsoring, on a voluntary basis and with no cost to the United Nations, of associate experts to assist in the updating of the two publications. In paragraph 12, the Assembly called upon the Secretary-General to continue his efforts towards updating the *Repertory* and the *Repertoire* and making them available electronically in all their respective language versions. In paragraph 13, the Assembly noted with concern that the backlog in the preparation of volume III of the *Repertory*, although slightly reduced, had not been eliminated and called upon the Secretary-General to address that issue effectively and on a priority basis, while commending the Secretary-General for progress made in reducing the backlog. In paragraph 14, the Assembly reiterated the responsibility of the Secretary-General for the quality of the two publications and, with regard to the *Repertoire*, called upon the Secretary-General to continue to follow the modalities outlined in paragraphs 102 to 106 of his report of 18 September 1952 (A/2170). Lastly, in paragraph 15, the Assembly requested the Secretary-General to submit a report on both the *Repertory* and the *Repertoire* to the Assembly at its seventieth session.

II. *Repertory of Practice of United Nations Organs*

A. Preparation of supplements to the *Repertory*

2. Bearing in mind the call made upon the Secretary-General, in paragraph 13 of General Assembly resolution 69/122, to address effectively and on a priority basis the backlog in the preparation of volume III of the *Repertory*, the Codification Division of the Office of Legal Affairs, acting as coordinator for the preparation of the *Repertory*, sought to significantly reduce that backlog, in particular regarding volume III, Supplements Nos. 7 to 9 (1985-1999). In line with the understanding with the Department of Peacekeeping Operations referred to in the 2012 report (A/67/189), whereby it was agreed that the Division would reach out to partnering academic institutions potentially willing to prepare draft studies for the Articles of the Charter of the United Nations in question, research and drafting of studies on Articles 52 and 54 for volume III, Supplements Nos. 7 to 9, were completed by the Faculty of Law at the University of Ottawa. The studies are currently under consideration. It is anticipated that academic institutions will be assigned additional studies for volume III, Supplements Nos. 7 to 9. Furthermore, regarding that volume, studies on Articles 33 (1) and 53 were prepared with the assistance of

interns in the Division and are currently under review. Single studies for each of the aforementioned provisions of the Charter address the entire period covered by the three supplements.

3. Significant progress has also been achieved in the preparation of studies for Supplement No. 10 (2000-2009). During the reporting period, a study on Article 23 (1) and (3) (as far as the practice of the Security Council is concerned) was finalized by the Department of Political Affairs and is available on the *Repertory* website (www.un.org/law/repertory). Furthermore, a study on Article 16, prepared with the assistance of an intern in the Codification Division, and a study on Article 51, drafted with the assistance of Columbia University Law School, were completed. In addition, studies on Articles 41, 52 and 54 were drafted with the assistance of the Faculty of Law at the University of Ottawa and a study on Article 53 for volume III was prepared with the assistance of a consultant. The studies are currently under review. Studies on Articles 104 and 105 are also in progress in the Office of the Legal Counsel.

4. The finalization of the aforementioned study on Article 16 allowed for the completion of volume II of Supplement No. 10 and its submission, early in April 2015, for translation and publication.

5. During the period under review, the Codification Division, acting as coordinator for the preparation of the *Repertory*, also invited all departments and entities involved in the preparation of *Repertory* studies to participate in the Interdepartmental Committee on Charter Repertory to consider, in particular, the period to be covered by Supplement No. 11. In the light of the experience acquired and lessons learned from the elaboration of previous supplements, it was decided that Supplement No. 11 would cover six years (2010-2015). That time frame appears reasonable to highlight significant trends that are relevant for the interpretation and application of the various provisions of the Charter. Consistent with that decision, a study on Article 13 (1) (a) (provisions relating to the codification and progressive development of international law) for volume II of Supplement No. 11 is currently in preparation in the Division.

6. As is customary, the Department of Public Information and the Dag Hammarskjöld Library played an important role in supporting the research on the *Repertory*.

7. The current status of the publication is as follows: 28 volumes have been published [1] and 15 have been finalized and submitted for translation and publication.[2] Consequently, from among the 56 volumes of which the publication as a whole (original *Repertory* and Supplements Nos. 1 to 11 thereto) should consist, work remains to be completed on 13, 6 of which pertain to Supplement No. 11 (2010-2015), on which work has begun (see para. 5 above), and 4 to Supplement No. 10 (2000-2009), which are at different stages of preparation (see para. 3 above). The other three volumes on which work remains to be completed correspond to volume III of Supplements Nos. 7 to 9.

[1] *Repertory* and Supplements Nos. 1 to 6 (1946-1984), for a total of 26 volumes, and volumes V and VI of Supplement No. 7 (1985-1988).

[2] Volumes I, II and IV of Supplement No. 7 (1985-1988); volumes I, II, IV, V and VI of Supplements Nos. 8 (1989-1994) and 9 (1995-1999); and volumes I and II of Supplement No. 10 (2000-2009).

8. Annex I to the present report sets out the responsibilities of individual Secretariat units for the preparation of *Repertory* studies on individual Articles of the Charter. Annex II provides information on the status of the *Repertory*.

B. Availability of *Repertory* studies on the Internet

9. Studies from 43 complete volumes, including the 15 volumes in processing for publication, are available on the United Nations website for the *Repertory* (www.un.org/law/repertory). Advance versions of several studies on individual Articles for volume III of Supplements Nos. 7 to 9, as well as a considerable number of studies for Supplement No. 10 that have been finalized and are awaiting completion of the respective volumes, continued to be made accessible on the website. The electronic version of the *Repertory* includes a full-text search feature, providing users with the opportunity to search all the studies instantaneously for any word or combination of words in the three languages of the publication (English, French and Spanish).

10. Currently, all studies available in English are on the Internet, and most of them are also available on the Internet in French and Spanish. Finalized studies awaiting publication are placed on the Internet in the language in which they have been prepared (English for most of them and French for some of them). The Secretariat will continue to make available electronically all three language versions of the finalized *Repertory* studies.

C. Cooperation with academic institutions

11. The well-established cooperation with Columbia University Law School continued for the twelfth consecutive year, contributing to the preparation of a study on Article 51 for volume III of Supplement No. 10. The cooperation with the Faculty of Law at the University of Ottawa continued for the fifth consecutive year and contributed to the preparation of studies on Articles 52 and 54 for volume III of Supplements Nos. 7 to 9, as well as studies on Articles 41, 52 and 54 for volume III of Supplement No. 10.

D. Trust fund

12. In its resolution 69/122, the General Assembly reiterated its call for voluntary contributions to the trust fund established pursuant to its resolution 59/44, in order to eliminate the backlog in the *Repertory*. Accordingly, a note verbale was sent to all permanent missions to the United Nations, reminding them of the possibility of making voluntary contributions to the trust fund and inviting them to bring the question of funding for the *Repertory* to the attention of private institutions and individuals that might wish to assist in that regard. The Secretary-General welcomes with appreciation the contribution to the trust fund of $10,000 from Turkey received since the issuance of the previous report on 21 July 2014.

13. During the period under review, a consultant, financed through the trust fund, worked on the preparation of a study on Article 53 for volume III of Supplement No. 10. The further use of consultants for the preparation of studies pertaining to

volumes that are nearing completion is envisaged. Additional contributions to the trust fund are strongly encouraged, so as to allow the Secretariat to effectively eliminate the backlog in the *Repertory*.

E. Recommendations of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

14. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization considered the question of the *Repertory* and the *Repertoire* at its session held from 17 to 25 February 2015. In paragraph 75 of its report (A/70/33), the Special Committee recommended, with regard to the *Repertory*, that the General Assembly should commend the Secretary-General for the progress made in the preparation of studies, including the increased use of the internship programme of the United Nations and further expanded cooperation with academic institutions for that purpose; note with appreciation the contributions made by Member States to the trust fund for the elimination of the backlog in the *Repertory*; reiterate its call for voluntary contributions to the trust fund so as to further support the Secretariat in carrying out the effective elimination of that backlog, as well as the sponsoring, on a voluntary basis and with no cost to the United Nations, of associate experts to assist in the updating of the publication; call upon the Secretary-General to continue his efforts towards updating the publication and making it available electronically in all its language versions; note with concern that the backlog in the preparation of volume III of the *Repertory*, although slightly reduced, had not been eliminated, and call upon the Secretary-General to address that issue effectively and on a priority basis, while commending the Secretary-General for progress made in reducing the backlog; and reiterate the responsibility of the Secretary-General for the quality of the *Repertory*.

F. Conclusions

15. **With regard to the *Repertory*, in the light of the foregoing, the General Assembly may wish:**

(a) **To note the current status of the publication, including the progress made in the preparation of *Repertory* studies and in their posting on the Internet in three languages (English, French and Spanish);**

(b) **To consider the recommendations of the Special Committee (see para. 14 above) concerning the increased use of the internship programme of the United Nations and the further expanded cooperation with academic institutions for the preparation of studies; voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory* so as to further support the Secretariat in carrying out the effective elimination of that backlog; the sponsoring, on a voluntary basis, and at no cost to the United Nations, of associate experts to assist in the updating of the publication; the call upon the Secretary-General to continue his efforts towards updating the publication and making it available electronically in all its language versions, and to continue to address effectively and on a priority basis the elimination of the backlog in**

volume III of the *Repertory*; and the reiteration of the responsibility of the Secretary-General for the quality of the *Repertory*;

(c) To note the progress made towards the elimination of the backlog through the utilization of the trust fund; and to strongly encourage States to make additional contributions to the trust fund.

III. *Repertoire of the Practice of the Security Council*

A. Mandate and preparation

16. The *Repertoire of the Practice of the Security Council*, originally mandated by the General Assembly in its resolution 686 (VII), continues to provide a record of the evolving practice and procedure of the Security Council in the framework of the Charter and the Council's provisional rules of procedure. Most recently, by its resolution 69/122, the Assembly called upon the Secretary-General to continue his efforts towards updating the *Repertoire* and making it available electronically in all its respective language versions.

17. Pursuant to the mandate provided by the General Assembly, the Secretariat has continued to make progress in the preparation of supplements to the *Repertoire*. In the past year, the Secretariat worked on the eighteenth Supplement (2012-2013) within the context of the modalities outlined in paragraphs 102 to 106 of the report of the Secretary-General of 18 September 1952 (A/2170).

18. The Secretariat is close to finalizing the drafting of that supplement, with the exception of part IV on the relations with other United Nations organs. As those parts are reviewed and posted online, the groundwork will be initiated for the preparation of the nineteenth Supplement (2014-2015) later in 2015.

19. The Secretariat has continued to produce the *Repertoire* expeditiously, optimizing the limited resources available. The continuous training of staff, the further development of internal databases and the systematization of data collection and analysis have enhanced its ability to produce the *Repertoire*.

20. The continued challenges in terms of editing, translating, indexing and publishing the supplements notwithstanding, there has been considerable improvement in those processes, which has enabled various offices within the Secretariat to overcome some resource constraints and reduce delays in publication.

B. Availability of *Repertoire* studies on the Internet

21. The Secretariat has continued to post advance versions of drafted supplements on the *Repertoire* section of the Security Council website, allowing access to information as swiftly as possible. In addition, the Office of Information and Communications Technology has created a new search engine for the *Repertoire* that is faster, more reliable and more accurate. The search engine has a series of filters enabling users to better understand the structure of the *Repertoire* and search its content more effectively. The website also contains a broad range of research tools relating to the preparation of the *Repertoire*, such as tables and graphs featuring the mandates of all current peacekeeping operations and special political

missions, as well as the relevant provisions of decisions of the Council in relation to cross-cutting agenda items, namely children and armed conflict, women and peace and security, and protection of civilians. The tables and graphs enhance the ability of researchers and others interested in the work of the Council to systematically analyse the practice of the Council in the above-mentioned areas.

22. The Secretariat has also continued to provide information in response to questions received directly and through the *Repertoire* section of the Security Council website relating to both the current and past practice of the Council and its subsidiary organs. During the reporting period, it responded, in a timely and accurate fashion, to communications and requests for information from Member States, as well as from officials of the United Nations system and staff of other international organizations, non-governmental organizations, students, academic scholars and researchers and the private sector.

C. Publication in language versions (print and electronic)

23. Pursuant to General Assembly resolution 55/222, the twelfth to fifteenth Supplements (1993-2007) are scheduled to be made available on the *Repertoire* section of the Security Council website in all official languages by the end of 2015. The English-language version of the sixteenth Supplement (2008-2009) was published in March 2015 and its translation into the other official languages is scheduled to be made available in 2016. Various offices of the Secretariat continue to make every effort to post the latest supplements in the six official languages as soon as they are available.

D. Resources

24. The preparation and publication of the *Repertoire*, as well as the maintenance of its website in all official languages, would not have been possible without the continuing support of the General Assembly. At the same time, in an environment of financial constraint, voluntary contributions to the trust fund for the updating of the *Repertoire* remain an important element for sustaining progress on the *Repertoire*, maintaining its website and continuing to improve the accessibility of information about Security Council practice.

25. The infusion of extrabudgetary resources has enabled the Secretariat to retain the services of temporary staff assisting in the preparation of the *Repertoire*. Since the previous report, contributions to the trust fund have been received from Angola, Benin and Turkey. In addition, Switzerland contributed by sponsoring an associate expert in the Security Council Practices and Charter Research Branch, who made a valuable contribution to advancing the work on the *Repertoire* and thus assisted the Secretariat in its efforts to update the publication. To continue to attain that goal, the Secretary-General invites Member States to continue to support the Secretariat's work on advancing the *Repertoire* through their voluntary contributions.

E. Conclusions

26. **With regard to the *Repertoire*, in the light of the foregoing and the recommendations made by the Special Committee at its session held from 17 to 25 February 2015, the General Assembly may wish:**

(a) **To note the progress made towards updating the *Repertoire*;**

(b) **To note with appreciation the contributions made by Member States to the trust fund for the updating of the *Repertoire* and to reiterate its call for voluntary contributions to the trust fund in order to allow the Secretariat to maintain the progress achieved in the updating of the *Repertoire* in past years;**

(c) **To note the continuing efforts to make the *Repertoire* available in electronic form in all official languages on the United Nations website;**

(d) **To note with appreciation the support that Switzerland extended by sponsoring, on a voluntary basis, an associate expert to assist in updating the *Repertoire*, and to encourage other Member States in a position to do so to consider providing such assistance.**

Annex I

Secretariat units bearing primary responsibility for the preparation of *Repertory* studies on individual Articles of the Charter of the United Nations[a]

Department	*Repertory volume*
Office of Legal Affairs	Volume I: Articles 1 to 7
	Volume II: Articles 13 (1) (a) 18, 19 and 22
	Volume VI: Articles 92 to 99, 102 to 105 and 108 to 111
Department of Political Affairs	Volume II: Articles 10, 12, 13 (1) (a), 14 and 16
	Volume III: Articles 23 to 39 and 107
	Volume V: Articles 73 to 85, 87 and 88
Department of Peacekeeping Operations	Volume III: Articles 40 to 54 and 106
Office for Disarmament Affairs	Volume II: Article 11
Department for General Assembly and Conference Management	Volume II: Articles 9, 15, 20 and 21
	Volume IV: Articles 60, 61, 62 (3) and (4), 65 to 69 and 72
	Volume V: Articles 86 and 89 to 91
Department of Management	Volume II: Article 17
	Volume VI: Articles 100 (1) and 101
Department of Management with Office of Legal Affairs	Volume VI: Article 100 (2)
Department of Economic and Social Affairs	Volume II: Articles 8[b] and 13 (1) (b) and (2)
	Volume IV: Articles 55 (a) and (b), 57 to 59, 62 (1), 63, 64, 70 and 71
Office of the United Nations High Commissioner for Human Rights	Volume II: Article 13 (1) (b)
	Volume IV: Articles 55 (c), 56 and 62 (2)
Office for Outer Space Affairs	Volume II: Article 13 (1) (a)

[a] This distribution is the result of several decisions of the Interdepartmental Committee on Charter Repertory taken at various times since 1996 and is subject to review by the Committee.

[b] The Department of Management (Office of Human Resources Management) is responsible for the preparation of Article 8 for the period up to and including 1996. For the period from 1997 onward, that responsibility falls to the Department of Economic and Social Affairs.

Annex II

Status of the *Repertory of Practice of United Nations Organs* (July 2015)

Volumes published and on the Internet	Volumes submitted for publication and on the Internet	Studies on the Internet (pertaining to volumes not submitted for publication)	Studies in preparation or in review

Note: The organization of studies in volumes, as indicated below, relates to Supplements Nos. 6 to 11, and varies for the original *Repertory* and Supplements Nos. 1 to 5.

Volumes, Articles	*Original Repertory*	*Supplements*										
		1	*2*	*3*	*4*	*5*	*6 1979-1984*	*7 1985-1988*	*8 1989-1994*	*9 1995-1999*	*10 2000-2009*	*11 2010-2015*
Volume I							I	I	I	I	I	
Articles 1-8												
Volume II							II	II	II	II	II	
Articles 9-12 and 13 (1) (a) (first part of the sentence), 13 (1) (b), 13 (2) and 14-22												
Article 13 (1) (a) (second part of the sentence)												
Volume III							III	III	III	III	III	
Articles 23 (1, second phrase) and (2)												
Articles 52 and 54												
Articles 23 (1, first phrase) and (3), 24-32, 33 (2), 34, 35 (General Assembly and Security Council), 36-40, 42, 50 and 51												
Articles 33 (1), 41, 43-48 and 53												
Article 49												
Volume IV							IV	IV	IV	IV	IV	
Articles 55 (a)-(b), 57, 62 (2) and 63												
Articles 55 (c) and 56												
Articles 58-62 (1, 3 and 4) and 64-72												

Volumes, Articles	*Original Repertory*	*Supplements*										
		1	*2*	*3*	*4*	*5*	*6 1979-1984*	*7 1985-1988*	*8 1989-1994*	*9 1995-1999*	*10 2000-2009*	*11 2010-2015*
Volume V							**V**	**V**	**V**	**V**	**V**	
Article 73												
Articles 74-85, 87 and 88												
Articles 86 and 89-91												
Volume VI							**VI**	**VI**	**VI**	**VI**	**VI**	
Articles 92-103 and 106-111												
Articles 104 and 105												

Studies prepared from 1954 to 1980

Studies prepared from 1996 to 2015

Annex III

Status of the *Repertoire of the Practice of the Security Council* (July 2015)

Supplements published and posted on the Internet at www.un.org/en/sc/repertoire/	Advance version available on the Internet	Parts in preparation

A. Status of the completed *Repertoire* supplements

Supplement	*Status*	*Languages*
Original *Repertoire* and Supplements I-IX (1946-1984)		English, French
Supplements X (1985-1988) and XI (1989-1992)		Arabic, Chinese, English, French, Russian, Spanish[a]
Supplement XII (1993-1995)		Chinese, English, French, Russian, Spanish. Arabic ready for web posting
Supplement XIII (1996-1999)		English, other languages ready for web posting
Supplement XIV (2000-2003)		English, translation into other languages in progress
Supplement XV (2004-2007)		English, translation into other languages in progress
Supplement XVI (2008-2009)		English, translation into other languages in progress
Supplement XVII (2010-2011)		English

[a] As mandated by the General Assembly in resolution 55/222, these supplements and future supplements to the *Repertoire* are to be published in all official languages of the United Nations.

B. Status of *Repertoire* supplements in preparation

	Parts (procedural and constitutional)									
	I Overview	*II Provisional rules of procedure*	*III Purposes and principles of the Charter*	*IV Relations with other United Nations organs*	*V Functions and powers of the Security Council*	*VI Pacific settlement of disputes*	*VII Actions with respect to breaches of the peace*	*VIII Regional arrangements*	*IX Subsidiary organs. Committees other bodies*	*X Subsidiary organs: peacekeeping and peacebuilding*
Supplement XVIII (2012-2013)										